


EXHIBIT A

Complaint

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CASE NO: A-20-812285-C
Department 32

Attorneys for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

RICHARD DOAN SNELL,

Plaintiff,

CASE NO.:
DEPT. NO.:

v.

ALBERTSON'S, LLC, d/b/a ALBERTSON'S
a Foreign Limited-Liability Company; DOE
MAINTENANCE EMPLOYEE, I-V; DOE
EMPLOYEE, I-V; DOE JANITORIAL
EMPLOYEE, I-V; DOE OWNER, I-V; ROE
OWNER, I-V; ROE EMPLOYER; and ROE
COMPANIES, I-X, inclusive,

Defendants.

**COMPLAINT AND
DEMAND FOR JURY TRIAL**

ARBITRATION EXEMPTION CLAIMED:
CLAIMS IN EXCESS OF \$50,000.00

COMES NOW, Plaintiff, RICHARD DOAN SNELL, by and through his attorneys of
record, GERALD I. GILLOCK, ESQ. and MICHAEL H. COGGESHALL, ESQ., of the law offices
of GERALD I. GILLOCK & ASSOCIATES and for his causes of action against the Defendants,
and each of them, alleges as follows:

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1 1. That Plaintiff, RICHARD DOAN SNELL (hereinafter referred to as "Plaintiff"),
2 individually, is, and was at all relevant times hereto, a resident of the State of Nevada, County of
3 Clark.

4 2. Upon information and belief, at all times relevant to this action, Defendant
5 ALBERTSON'S, LLC, d/b/a ALBERTSON'S (hereinafter "Albertson's") is a foreign Limited-
6 Liability Company licensed to do business in the State of Nevada and was doing business in the
7 County of Clark, State of Nevada.

8 3. Upon information and belief, that at all times relevant to this action, Defendants
9 DOE OWNER, ROE OWNER, ROE EMPLOYER, and ROE COMPANY is a resident of Clark
10 County Nevada or an entity licensed to do business in the State of Nevada and was doing business
11 in the County of Clark, State of Nevada.

12 4. Upon information and belief DOE EMPLOYEE, DOE MAINTENANCE
13 EMPLOYEE, and DOE JANITORIAL EMPLOYEE was at all times relevant to this action a
14 resident of Clark County, Nevada, and was acting within the course and scope of their employment
15 for Defendant ALBERTSON'S and/or DOE OWNER and/or ROE OWNER and/or ROE
16 EMPLOYER and/or ROE COMPANY.

17 5. Upon information and belief ALBERTSON'S and/or DOE OWNER and/or ROE
18 OWNER is the owner of the property located at 1940 Village Center Circle, Las Vegas, NV 89134
19 and is a resident of Clark County, Nevada or an entity licensed to do business in the State of
20 Nevada. ALBERTSON'S operated the property located at 1940 Village Center Circle, Las Vegas,
21 NV 89134.

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1 6. Upon information and belief ROE EMPLOYER employs Defendants, and each of
2 them, is a Nevada Corporation and/or a foreign corporation licensed to do business in Nevada and
3 was directing the actions of DOE MAINTENANCE EMPLOYEE and/or DOE EMPLOYEE and/or
4 DOE JANITORIAL EMPLOYEE at the time of the incident described herein.

5 7. That the true names and capacities, whether individual, corporate, associate, or
6 otherwise of Defendants DOE MAINTENANCE EMPLOYEE, I-V; DOE EMPLOYEE, I-V; DOE
7 JANITORIAL EMPLOYEE, I-V; DOE OWNER, I-V; ROE OWNER, I-V; ROE EMPLOYER;
8 and ROE COMPANIES, I-X, inclusive, are unknown to Plaintiff who therefore sues those
9 Defendants by such fictitious names. Plaintiff is informed and believes and thereon alleges that
10 each of the Defendants designated herein as DOE and ROE are responsible in some manner for the
11 events and happenings referred to and caused damages proximately to Plaintiff as herein alleged,
12 and that Plaintiff will ask leave of this Court to amend this Complaint to insert the true names and
13 capacities of DOES and ROES, when the same have been ascertained, and to join such
14 Defendant(s) in this action.

15 8. At all relevant times, Defendants, and each of them, were the agents, ostensible
16 agents, servants, employees, employers, partners, co-owners and/or joint venturers of each other
17 and of their co-defendants, and were acting within the color, purpose and scope of their
18 employment, agency, ownership and/or joint ventures and by reason of such relationships the
19 Defendants, and each of them, are vicariously and jointly and severally responsible and liable for
20 the acts and/or omissions of their co-Defendants.

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**I.
GENERAL ALLEGATIONS**

9. On or about November 23, 2019, Plaintiff was an 86-year-old man with no significant prior medical history. Plaintiff was fully independent.

10. On or about November 23, 2019, shortly after entering Defendant Albertson's premises, Plaintiff slipped on a puddle near a refrigeration unit. The puddle and refrigeration unit were near the entrance of the facility.

11. After slipping in the puddle, Plaintiff was rushed to Mountainview Hospital's Emergency Room via ambulance.

12. While at the hospital, Mr. Snell was diagnosed with left intertrochanteric femur fracture and was admitted to Mountainview's neuro ICU for monitoring and pain management. Plaintiff underwent hemiarthroplasty to repair his fractured hip the next day.

13. After surgery, Plaintiff was discharged to Mountainview's physical therapy facility. Plaintiff was evaluated by physical therapists, who recommended admission to an inpatient acute rehabilitation because Plaintiff's level of function was significantly lower after his slip injury.

14. Plaintiff remained at Mountainview's acute inpatient rehab facility for 16 days. While there, he was unable to make a full recovery.

15. As a result of his hip fracture, Plaintiff is no longer living independently and he never again will.

16. As a result of his fall, Plaintiff incurred medical bills in excess of \$200,000.00.

17. That upon information and belief, Defendants, ALBERTSON'S and/or DOE MAINTENANCE EMPLOYEE and/or DOE EMPLOYEE and/or DOE JANITORIAL EMPLOYEE and/or DOE OWNER and/or ROE OWNER and/or ROE EMPLOYER and/or ROE

1 COMPANY and each of them, were the owners, operators or lessees of the property located at 1940
2 Village Center Circle, Las Vegas, NV 89134 (the "Premises") and occupied, operated, maintained
3 or controlled the Premises where it/they actively operated a hotel and casino.

4 18. That on or about November 23, 2019, the Defendants, and each of them, owed
5 Plaintiff a duty to keep the premises reasonably safe for its intended use as a store.

6
7 19. Defendants' conduct was negligent for failing to review, supervise or implement
8 other quality control assurance programs, failing to replace the flooring or provide a non-slip
9 surface and/or slip resistant surface and/or mats in this area and likewise was negligent in hiring,
10 training and/or supervising the staff who failed to appropriately maintain the area at or near the
11 refrigeration unit where Plaintiff was injured and provide a safe environment in order to avoid
12 causing injury to Plaintiff.

13
14 20. That Defendants, and each of them, so carelessly and negligently created, owned,
15 controlled, inspected, repaired, serviced and maintained the area at or near the refrigeration unit
16 where Plaintiff slipped and/or slid and fell in an improper, negligent and dangerous condition so as
17 to cause Plaintiff to fall and sustain injuries and failed to adequately warn Plaintiff, and as a
18 proximate result thereof, Plaintiff was seriously injured.

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20 **FIRST CAUSE OF ACTION**
21 **NEGLIGENCE**

22 21. Plaintiff repeats and realleges each of the allegations set forth in paragraphs 1
23 through 19, inclusive, and incorporate the same as though fully set forth herein.

24 22. That Defendants, and each of them, owed to Plaintiff a duty of reasonable care in
25 creating, controlling, inspecting, servicing, repairing and maintaining the subject area where
26 Plaintiff slipped and/or slid and fell in a safe condition and in failing to warn the general public,
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1 including Plaintiff, of a dangerous condition that existed.

2 23. That Defendants, and each of them, breached the duty they owed to Plaintiff by so
3 carelessly and negligently creating, installing non-slip and/or slip resistant flooring, owning,
4 controlling, inspecting, repairing, servicing and maintaining the subject area at or near the
5 refrigeration unit where Plaintiff slipped and/or slid and fell in such a condition so as to be unsafe
6 for its foreseeable users and failing to adequately warn of a the dangerous condition that existed,
7 which breach proximately caused Plaintiff to become seriously injured.

8 24. Upon information and belief, the incident as described herein was foreseeable to
9 Defendants, and each of them, as Defendants were on notice of a prior incident or incidents
10 involving slips and/or falls at or near refrigeration units and in areas where liquid or debris was on
11 the floor and this same and/or similar flooring was used and/or where Plaintiff slipped and/or slid
12 and fell and Defendants knew that the condition of the flooring was such that it was not slip
13 resistant and could cause individuals to fall if liquids or spills were to occur.

14 25. Such actions and/or omissions on the part of the Defendants, and each of them, by
15 and through their employees, were careless and negligent and were the proximate cause of
16 Plaintiff's injuries and damages.

17 26. That as a direct and proximate result of the negligence and carelessness of
18 Defendants, and each of them, Plaintiff incurred expenses for medical care and treatment and will
19 continue to incur such expenses in the future in an amount in excess of Fifteen Thousand Dollars
20 (\$15,000.00).

21 27. That as a further result of Defendants' negligent acts and/or omissions, Plaintiff has
22 suffered general and special damages including, but not limited to, emotional distress, pain and
23 suffering, and medical damages in an amount in excess of Fifteen Thousand Dollars (\$15,000.00).
24

1 28. As a direct and proximate result of the conduct of Defendants, Plaintiff has suffered,
2 and will continue to suffer in the future, special damages in an amount in excess of Fifteen
3 Thousand Dollars (\$15,000.00).

4 29. As a direct and proximate result of the conduct of Defendants, Plaintiff has suffered,
5 and will continue to suffer in the future, general damages in an amount in excess of Fifteen
6 Thousand Dollars (\$15,000.00).

7 30. As a further result of Defendants' conduct, Plaintiff has had to retain the services of
8 attorneys in this matter, and therefore seek reimbursement of attorneys' fees and costs.
9

10 **SECOND CAUSE OF ACTION**
11 **CORPORATE NEGLIGENCE/VICARIOUS LIABILITY**

12 31. Plaintiff incorporates paragraphs 1 through 29 as though fully set forth herein.

13 32. ALBERTSON'S and/or DOE and ROE Defendants, had and have a non-delegable
14 duty and are directly and vicariously liable for damages resulting from their employees,
15 independent contractors, contracting companies, subcontractors, agents and/or servants' negligent
16 actions against Plaintiff occurring during the scope of their agency or employment for the failure to
17 install non-slip flooring and/or slip resistant flooring, failing to warn of the dangerous condition,
18 failing to inspect and/or maintain the Premises from any and all hazardous conditions.
19

20 33. Defendants, and each of them, by and through its employees, agents, ostensible
21 agents and/or servants breached their duty of care by failing to put into place safety protocols when
22 they knew or should have known that Plaintiff was at risk for injury.
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24 34. Defendants, and each of them, are liable for their employees, contracting companies,
25 agents and/or servants breach of duty to the Plaintiff.
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1 35. That Defendants' direct negligent acts and/or omissions resulted in Plaintiff's
2 injuries and subsequent surgeries.

3 36. Defendants knew the area at or near the refrigeration unit where Plaintiff slipped
4 and/or slid and fell was hazardous and knew the area was adjacent to food and beverage vendors
5 and that people would carry liquids in this area that were reasonably known to spill and likely to
6 having liquid and/or food spilled on the floor and knew of the danger of allowing liquid and/or food
7 to remain on the floor.
8

9 37. That as a further direct and proximate result of Defendants' negligent acts and/or
10 omissions, Plaintiff endured pain and suffering.

11 38. As a further result of Defendant's negligence, Plaintiff has incurred great pain and
12 suffering, mental anguish, emotional distress, and inconvenience in an amount in excess of Fifteen
13 Thousand Dollars (\$15,000.00).
14

15 39. That Plaintiff has incurred expenses for medical care and treatment and will continue
16 to incur such expenses in the future in an amount in excess of Fifteen Thousand Dollars
17 (\$15,000.00).
18

19 40. That said defects were the proximate cause of Plaintiff's injuries in an amount in
20 excess of Fifteen Thousand Dollars (\$15,000.00).

21 41. That as a further direct and proximate result of Defendant's negligent acts and/or
22 omissions, Plaintiff has had to retain the services of an attorney to prosecute this action and is
23 entitled to reasonable attorney's fees and costs incurred therein.
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1 WHEREFORE, Plaintiff prays for relief from the Defendants, and each of them, as follows:

- 2 1. For general damages in excess of Fifteen Thousand Dollars (\$15,000.00);
- 3 2. For special damages in excess of Fifteen Thousand Dollars (\$15,000.00);
- 4 3. For Plaintiff's costs and disbursements of this suit;
- 5 4. For reasonable attorneys' fees incurred herein, and
- 6 5. For such and further relief as this Court may deem just and equitable in the premises.
- 7

8 DATED this 13th day of March, 2020.

9 GERALD I. GILLOCK & ASSOCIATES

10

11 By: 

12 GERALD I. GILLOCK, ESQ.

13 Nevada Bar No. 51

14 MICHAEL H. COGGESHALL, ESQ.

15 Nevada Bar No. 14502

16 428 South 4th Street

17 Las Vegas, NV 89101

18 *Attorneys for Plaintiff*

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